

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2007

*In the Matter of Amendments to
Rules 2 and 3 of the Rules of
Procedure for Juvenile Courts*)
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)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

MAR 25 2008

Judy Pacheco
JUDY PACHECO, CLERK

**ORDER ADOPTING AMENDMENTS TO RULES 2 AND 3 OF THE
RULES OF PROCEDURE FOR JUVENILE COURTS**

This matter came before the Court upon a recommendation from the Permanent Rules Advisory Committee, Juvenile Division. The Committee has recommended amendments to Rules 2 and 3 of the Rules of Procedure for Juvenile Courts. This Court, having carefully reviewed the proposed amendments, finds that the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Rules 2 and 3 of the Rules of Procedure for Juvenile Courts, attached hereto, are adopted and that those amendments be published in the advance sheets of the Pacific Reporter and in the Wyoming Reporter. The amendments shall be effective July 1, 2008, and thereafter shall be spread at length upon the journal of this Court.

DATED this 25th day of March, 2008.

BY THE COURT:

Barton R. Voigt
BARTON R. VOIGT
Chief Justice

Rules of Procedure for Juvenile Courts

Rule 2. Hearing.

(a) *Presence of the Child.* A child who is not of suitable age to understand or participate in the proceedings need not be present at hearings in abuse and neglect actions unless the court so orders.

A child alleged or adjudicated to be delinquent, or in need of supervision, shall be present at all hearings unless otherwise ordered by the court. A child alleged or adjudicated to be delinquent, or in need of supervision, shall be present at any hearing where the court is required to advise the child of the contents of a Petition and the child's rights under any applicable statute.

Upon motion of a party, the court may excuse the presence of a child alleged or adjudicated to be delinquent, or in need of supervision, who is of suitable age, if attendance would be detrimental to the child; or allow a child to appear by telephone. The child or the child's guardian ad litem may waive the child's right to be present at a particular hearing.

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Rule 3. Discovery and Inspection – Abuse and Neglect, Delinquency, and CHINS (Child in Need of Supervision).

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(b) *Discovery by the State.* The State shall without the necessity of a request by the Respondent or the guardian ad litem, and within thirty (30) days of service of the applicable petition, furnish to the Respondent and guardian ad litem:

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(10) Records created or held by the Department of Family Services (DFS) may be subject to discovery in proceedings in juvenile court, pursuant to this Rule. Respondent or the guardian ad litem shall request discovery of DFS records through the State. Upon a request for discovery, DFS shall provide its records to the State and guardian ad litem. The State may, pursuant to this rule, provide the records to the Respondent and the guardian ad litem, or may contest the discovery request pursuant to these Rules. Discovery requests concerning Child Protection records are further subject to the provisions of Wyo.Stat. Ann. § 14-3-214, and access to such records may be limited pursuant to such statutory section. This Rule is specific to discovery requests in juvenile court proceedings and does not relate to discovery of DFS records in other types of proceedings.

(c) *Compliance by the State.* The State may comply with this rule by advising the Respondent and the guardian ad litem in writing or on the record, that the Respondent and the guardian ad litem may inspect the discoverable portions of the State's file and by allowing such inspection to occur at any time during normal business hours. However, if the State has any exculpatory information specified in this Rule, the State shall promptly furnish such information to the Respondent and the guardian ad litem, whether or not the Respondent or the guardian ad litem has made the inspection provided for by that subsection.

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(e) *Discovery by Other Parties.*

(1) Upon the written request of the State or the guardian ad litem, when pertinent to the issues and upon a showing of good cause, the court may order the Respondent to:

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(2) Upon written request of the State or the guardian ad litem, the Respondent shall:

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(b) Produce and permit the State and the guardian ad litem to inspect and copy all written reports made in connection with the particular case by each expert the Respondent intends to call as a witness at the hearing, including the substance of any oral report and conclusion made in connection with the particular case by an expert which the Respondent intends to use at the hearing and the results of any physical or mental examination, scientific test, experiment, or comparison; and

(c) Furnish, upon designation by the State of the time, place and date of the alleged occurrence, the name and address of each witness other than the Respondent whom the Respondent intends to call as a witness to show he was not present at the time, place and date designated by the State or the guardian ad litem in its request.

(f) *Procedure for Discovery, Time.* The State shall make the disclosure required under this Rule, and may request reciprocal discovery within thirty (30) days from the service of the petition. The Respondent and the guardian ad litem shall furnish the discovery required under this Rule within thirty (30) days after a request is made. The court, for good cause shown, may extend the time for discovery. If discovery is not furnished as required, a motion to compel discovery may be filed which shall specify the items which have not been furnished. A hearing shall be held no later than three (3) days after the motion is filed. If, at any time during the proceedings, it is brought to the attention of the court that a party has failed to comply with this Rule or an order issued under this Rule, the court may:

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